

Serial No.: 09/914,229

REMARKS

Claims 3-5, 10 and 11, as amended, remain herein.

Claim 4 has been amended to recite more clearly applicant's invention. See applicant's specification, at page 13, first and last paragraphs. Claims 1, 2, 6-9 and 12 have been cancelled without prejudice or disclaimer.

This Amendment places all claims 3-5, 10 and 11 in condition for allowance, and surely in better condition for any appeal. Thus, entry of this Amendment and allowance of all claims 3-5, 10 and 11 are respectfully requested.

1. Objections were stated to the specification support for the term "track jump" in the claims. The claims have been amended to replace the term "kicking" with "track jump" because the term "kicking" is not a term generally used in the art, while "track jump" is known; see Kang '973, Abstract, next to last two lines, describing "needed to complete the track jump operation, as well as reducing track jump errors." Applicant's specification, page 3, third paragraph, describes "kicking is effected for a few tracks toward the inner periphery," whereby

Serial No.: 09/914,229

the term "kicking" means a "track jump" over a few tracks. Thus, the specification supports the term "track jump." Withdrawal of the objection is respectfully requested.

2. Claims 1-12 were rejected under 35 U.S.C. §102(b) over Kang U.S. Patent 6,552,973. Claims 1, 2, 6-9 and 12 have been cancelled, thereby mooted their rejection.

The presently claimed optical disk device includes a control section for carrying out tracking after the control section performs a track jump, and for measuring an offset amount of a lens relative to the center of the pickup, and not performing tracking processing until the offset amount is not greater than a predetermined value, as recited in claim 3. The presently claimed device also includes a control section for measuring an offset amount of a lens relative to the center of the pickup a plurality of times before the control section performs a track jump, and for performing a track jump when the offset amount is reduced each time of the measurements and a latest offset amount is within a predetermined range, as recited

Serial No.: 09/914,229

in claims 4 and 10. This arrangement and corresponding method are nowhere disclosed or suggested in the cited reference.

The Office Action cites Kang '973 as allegedly disclosing a control section for measuring an offset amount of a lens relative to the center of the pickup, and for performing a track jump when the measured offset amount is not greater than a predetermined value. However, Kang '973 says nothing about control after a track jump; Kang '973 does not disclose carrying out tracking after the control section performs a track jump, as recited in applicant's claim 3.

Also, Kang '973 does not disclose a control section for measuring an offset amount of a lens relative to the center of the pickup a plurality of times before the control section performs a track jump, and for performing a track jump when the offset amount is reduced each time of the measurements and a latest offset amount is within a predetermined range, as recited in applicant's claims 4 and 10.

Serial No.: 09/914,229

For the foregoing reasons, Kang '973 fails to disclose all elements of applicant's claimed invention, and therefore is not a proper basis for rejection under §102. And, there is no disclosure or teaching in Kang '973 that would have suggested the desirability of modifying any portions thereof effectively to anticipate or suggest applicant's presently claimed invention. Claim 5, which depends from claim 4, is allowable for the same reasons explained herein for claim 4, and claim 11, which depends from claim 10, is allowable for the same reasons explained herein for claim 10. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

All claims 3-5, 10 and 11 are now proper in form and patentably distinguished over all grounds of rejection stated in the Office Action. Accordingly, allowance of all claims 3-5, 10 and 11 is respectfully requested.

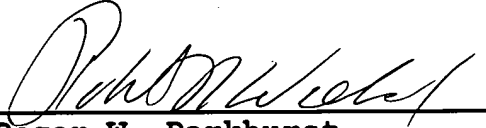
Serial No.: 09/914,229

Should the Examiner deem that any further action by the applicant would be desirable to place this application in even better condition for issue, the Examiner is requested to telephone applicant's undersigned representatives.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

September 17, 2004  
Date

  
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RWP:RNW/mhs

Attorney Docket No.: YMOR:219

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